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10/690,816	10/23/2003	David Andrew Matthews	003797.00702	5432

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EXAMINER

SHIH, HAOSHIAN

ART UNIT

PAPER NUMBER

2196

DATE MAILED: 11/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,816

Applicant(s)

MATTHEWS ET AL.

Examiner

Haoshian Shih

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10-31-2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claim 1-31 are pending in this application and have been examined.

Drawings

2. Figure 2, 3 and 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. Paragraph [0044] line 4 recites "the cursor 202..." on Fig 5a, it is believed cursor 202 should have been cursor 512 and has been treated as such for the remainder of this office action. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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5. Claims 19 – 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6. As to claims 19 – 24, the “Computer readable medium...” in accordance with applicant’s specification, may be an electromagnetic signal. This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by ObjectDock (http://web.archive.org/web/20030803152245/http://www.stardock.com/video/demo_objectdock.wmv, http link from wayback machine dated 08/03/2003, hereafter demo.) hereafter ObjectDock.

9. As to claim 1, ObjectDock discloses a computer generated graphical user interface for accepting user input commands comprising a first area containing a

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plurality of menu items (demo, fig1); and a second area that includes an icon selected from a set of icons based on the location of a pointer relative to the menu items (demo, fig 2) wherein the graphical user interface is part of an operating system shell (demo, audio narration from time 00:00:07- 00:00:09 "Object dock is a new program from stardock that acts as both a program launcher and a task manager.").

10. As to claim 13, ObjectDock discloses a method of providing visual feedback in a graphical user interface with a menu with a plurality of displayed menu items (demo, fig1), each menu item being associated with an icon (demo, fig2), comprising the steps of receiving user input that causes a pointer to be located over a menu item; in response to the user input, displaying the icon associated with that menu item (demo, fig3, fig4; when the pointer hovers over a menu item, the screen shows an animated icon that is associated with the menu item) wherein the graphical user interface is part of an operating system shell (demo, audio narration from time 00:00:07- 00:00:09 "Object dock is a new program from stardock that acts as both a program launcher and a task manager.")).

11. As to claim 19, ObjectDock discloses a computer-readable medium having computer-executable instructions for providing visual feedback in a graphical user interface with a menu with a plurality of displayed menu items(demo: fig1), each menu item being associated with an icon(demo: fig2), by performing the steps comprising: receiving user input that causes a pointer to be located over a menu item (demo: fig3,

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fig4); in response to the user input, displaying the icon associated with that menu item (demo: fig3, fig4; when the pointer hovers over a menu item, the screen shows an animated icon that is associated with the menu item) wherein the graphical user interface is part of an operating system shell(demo, audio narration from time 00:00:07-00:00:09 "Object dock is a new program from stardock that acts as both a program launcher and a task manager.").

12. As to claim 2, ObjectDock discloses a computer generated graphical user interface of claim 1 wherein the first area is a start menu (demo, audio narration from time 00:00:07- 00:00:09 "Object dock is a new program from stardock that acts as both a program launcher and a task manager." ObjectDock acts as a program launcher and a task manager, which reads on a start menu).

13. As to claims 3, 14 and 20, ObjectDock discloses a computer generated graphical user interface wherein the icon is an animated icon (demo: fig5, fig6; the icon deforms and rocks up and down).

14. As to claim 4, ObjectDock discloses a computer generated graphical user interface wherein the animated icon appears as hovering over at least a portion of the start menu (demo: fig2).

15. As to claim 5, ObjectDock discloses a computer generated graphical user interface wherein the animated icon is three-dimensional in appearance (demo: fig2; icons appears to be shaded and have length, width and depth.).

16. As to claim 6, ObjectDock discloses a computer generated graphical user interface, wherein the hovering icon comprises a three-dimensional appearing object located in the shell namespace (demo: fig4).

17. As to claim 7, ObjectDock discloses a computer generated graphical user interface wherein the animated icon further appears reflected in the start menu to give a further three-dimensional hovering effect (demo: fig8; by selecting an icon that has a reflection will achieve the same result.).

18. As to claim 8, ObjectDock discloses a computer generated graphical user interface wherein the animated icon appears as rocking from side-to-side (demo: fig5, fig6).

19. As to claim 10, ObjectDock discloses a computer generated graphical user interface wherein the animated icon is contextually related to an item in the start menu over which the pointer is located (demo: fig9, fig10; menu item of an e-mail program is associated with a mail box icon).

20. As to claim 11, ObjectDock discloses a computer generated graphical user interface wherein the contextually related animated icon provides an indication of an action that will occur if the menu item is selected (demo: fig11; upon the selection of a web browser menu item, an icon of a globe animates and launches the browser).

21. As to claim 12, ObjectDock discloses a computer generated graphical user interface wherein the icon is located immediately adjacent to the start menu (demo: fig1, fig2; when the mouse hovers over a menu item on the ObjectDock, an icon appears adjacent to ObjectDock).

22. As to claims 15 and 21, ObjectDock discloses the menu is a start menu (demo, audio narration from time 00:00:07- 00:00:09 "Object dock is a new program from stardock that acts as both a program launcher and a task manager." ObjectDock acts as a program launcher and a task manager, which reads on a start menu).

23. As to claims 16 and 22, ObjectDock discloses the animated icon is contextually related to its associated menu item in the start menu (demo: fig9, fig10; menu item of an e-mail program is associated with a mail box icon).

24. As to claims 18 and 24, ObjectDock discloses the animated icon is a predefined object type in the shell namespace (demo: audio narration from time 00:03:12 – 00:03:20 "Object dock will accept any .png or icon files.").

25. Claims 25 – 28 are rejected under 35 U.S.C. 102(b) as being anticipated by KDE screenshot

(<http://web.archive.org/web/20010808190926/www.kde.org/screenshots/medium/matthias1.jpg> http link from wayback machine dated 08/08/2002).

26. As to claim 25, KDE screenshot discloses a computer generated user interface for accepting user input commands comprising: a menu divided into a first section and a second section each section including a plurality of menu items (KDE screenshot; the menu is divided into a plurality of sections); wherein each menu item on the first section is configured to call an operating system specific function (KDE screenshot).

27. As to claim 26, KDE screenshot discloses a computer generated user wherein the second section of the menu comprises a menu item that is configured to call a software application that is not an operating system specific function (KDE screenshot; see menu items such as Kmail (e-mail client) or netscape (web browser)).

28. As to claim 27, KDE screenshot discloses a computer generated user interface wherein the menu is a start menu (KDE screenshot; the bottom bar of the KDE interface acts as a program launcher and a task manager, which reads on a start menu).

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29. As to claim 28, KDE screenshot discloses an operating system specific functions include at least one virtual object of a shell namespace (KDE screenshot).

Claim Rejections - 35 USC § 103

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. Claims 9, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over ObjectDock in view of Rosendahl et al. (US Patent 5,452,414) hereafter Rosendahl.

32. As to claim 30, ObjectDock discloses a computer generated user interface for accepting user input commands comprising: a pointer for selecting menu items and icons (demo: fig1); a start menu divided into a plurality of sections (demo: fig1), at least one of the sections containing only operating system specific menu items (demo: fig1); and changes its appearance based on the menu item over which the pointer is located(demo: fig2); wherein the appearance of the animated three-dimensional icon is contextually related to the operating system specific function called by selecting the menu item(demo: fig10). ObjectDock does not disclose an animated three-

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dimensional appearing icon that moves side-to-side so that the users can see the edges rotating.

In the same field of endeavor, Rosendahl discloses an animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges rotating (col 4, line 13-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of ObjectDock and the teachings of Rosendahl in order to capture/retain user's attention by providing a flashy, interactive eye candy.

33. As to claim 31, ObjectDock does not disclose the computer generated user interface of the side-to-side movement of the three-dimensional appearing icon is determined in real-time in response to a movement of the pointer.

In the same field of endeavor, Rosendahl discloses the computer generated user interface of the side-to-side movement of the three-dimensional appearing icon is determined in real-time in response to a movement of the pointer(col 4, line 06-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use the teachings of ObjectDock and the teachings of Rosendahl in order to capture/retain user's attention by providing a flashy, interactive eye candy.

34. As to claim 9, ObjectDock discloses a computer generated graphical user interface (demo, fig1). ObjectDock does not disclose the animated icon rotates based on the movement of the pointer.

In the same field of endeavor, Rosendahl discloses the icon rotates based on the movement of the pointer(col 4, line 13-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of ObjectDock and the teachings of Rosendahl in order to capture/retain user's attention by providing a flashy, interactive looking eye candy.

35. Claims 17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over ObjectDock in view of Viellescaze et al. (US pub 2004/0179043 A1) hereafter Viellescaze.

36. As to claims 17 and 23, ObjectDock does not disclose the wherein the displaying step further comprises an introduction animation element that causes the animated icon

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to move and flip; a looping animation; and an ending animation that changes the icon back to its original appearance.

In the same field of endeavor, Viellescaze discloses displaying step further comprises an introduction animation element that causes the animated icon ([0049], the dimension of the animated "agent" can be reduced to the size of an icon) to move and flip ([0195], the animated icon is associated with a series predefined movements); a looping animation ([0205]); and an ending animation that changes the icon back to its original appearance ([0216]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of ObjectDock and the teachings of Viellescaze in order to provide an interactive interface in order to capture/retain user's attention (Viellescaze, [0001]).

37. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over KDE screenshot in view of KDE spec

(<http://web.archive.org/web/20021216063201/www.kde.org/info/overview.html>], http link from waybackmachine (<http://web.archive.org/>) dated 12/16/2002)

38. As to claim 29, KDE screenshot does not disclose a computer generated user interface wherein the first section comprises: a first subsection with menu items to

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launch some operating system specific functions; a second subsection that expands to provide access to all operating system specific functions.

In the same field of endeavor, KDE spec discloses a computer generated user interface wherein the first section comprises: a first subsection with menu items to launch some operating system specific functions (paragraph Customizability, KDE spec supports customize toolbar layouts and entries and menu composition using a simple drop-and-drag approach, user can customize the KDE spec to have some menu items on the first section to call operating system specific functions, and store all other operating system specific functions in a second subsection); a second subsection that expands to provide access to all operating system specific functions (paragraph Customizability, KDE spec supports customize toolbar layouts and entries and menu composition using a simple drop-and-drag approach, user can customize the KDE spec to have some menu items on the first section to call operating system specific functions, and store all other operating system specific functions in a second subsection).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of KDE screenshot and the teachings of KDE spec in order to provide a categorized set of menu items to help the user navigate the GUI interface more efficiently.

Conclusion

39. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Kanevsky et al. (US 7,003,736 B2) - Iconic representation of content

Wasko et al. (US 6,825,861 B2) - Three state icons for operation

Morcos et al. (US 7,047,501 B2) - Method for displaying controls in a system using a graphical user interface

Nojiri (US 6,342,894 B1) – Icon display method.

Sugiyama et al. (US 6,005,579) - User interface for displaying windows on a rectangular parallelepiped

Clark-Schreyer et al. (US 6,486,880 B2) - Transmission of pixel data defining two motion phases of a graphic image

Baecker et al. (US 5,479,602) - Content-based depictions of computer icons

Ludolph et al. (US 5,657,049) - Desk drawer user interface

Kenyon (US 7,111,249 B2) - Communication and/or transaction with client through active management of a client menu hierarchy

Gardner et al. (US 7,003,734 B1) - Method and system for creating and displaying images including pop-up images on a visual display

Patil et al. (US 6,489,976 B1) - System and method for displaying pop-up symbols for indicating accelerator keys for implementing computer software options

Nason et al. (US 6,630,943 B1) - Method and system for controlling a complementary user interface on a display surface

Viellescaze et al. (US 2004/0179043 A1) - Method and system for animating a figure in three dimensions

Craycroft et al. (US 2002/0149629 A1) - Switching between appearance/behavior

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themes in graphical user interfaces

Swix et al. (US 4,841,291) - Interactive animation of graphics objects

Martin et al. (US 5,771,036) - Conferencing system with remote object display and cursor shadow

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haoshian Shih whose telephone number is (571) 271-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on (571)272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS


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